

NOT DESIGNATED FOR PUBLICATION
KAREN R. BAKER

DIVISION I

CA06-728

TEENA L. DRAPER

MAY 23, 2007

APPELLANT

v.

APPEAL FROM THE WORKERS'
COMPENSATION COMMISSION
[E904378]

DUB CLENNEY CONSTRUCTION, INC.
and BITUMINOUS CASUALTY
INSURANCE CO.

APPELLEES

AFFIRMED

Appellant, Teena L. Draper, appeals from a decision by the Workers' Compensation Commission, affirming the ALJ and finding that appellant failed to prove by a preponderance of the evidence both that she was entitled to temporary total disability or temporary partial disability for the periods requested and that she was entitled to additional medical treatment.¹ On appeal, she argues that the medical testimony shows that her current injury is a recurrence, rather than a new injury or an aggravation, and that the evidence before the ALJ shows that she is entitled to temporary total disability or temporary partial disability and additional medical treatment. We find no error and affirm.

In reviewing decisions from the Workers' Compensation Commission, we view the evidence

¹This was the second hearing before the ALJ in this case, and the only issues before the ALJ were appellant's entitlement to temporary total disability or temporary partial disability and additional medical treatment.

and all reasonable inferences deducible therefrom in the light most favorable to the Commission's findings, and we affirm if the decision is supported by substantial evidence. *Wal-Mart Stores, Inc. v. Sands*, 80 Ark. App. 51, 91 S.W.3d 93 (2002). Substantial evidence is that which a reasonable person might accept as adequate to support a conclusion. *Olsten Kimberly Quality Care v. Pettey*, 328 Ark. 381, 944 S.W.2d 524 (1997). The question is not whether the evidence would have supported findings contrary to the ones made by the Commission; there may be substantial evidence to support the Commission's decision even though we might have reached a different conclusion if we sat as the trier of fact or heard the case *de novo*. *CDI Contractors v. McHale*, 41 Ark. App. 57, 848 S.W.2d 941 (1993). We will not reverse the Commission's decision unless we are convinced that fair-minded persons with the same facts before them could not have reached the conclusions arrived at by the Commission. *White v. Georgia-Pacific Corp.*, 339 Ark. 474, 6 S.W.3d 98 (1999). Questions concerning the credibility of witnesses and the weight to be given to their testimony are within the exclusive province of the Commission. *Ark. Dep't. of Health v. Williams*, 43 Ark. App. 169, 863 S.W.2d 583 (1993).

The only issue in this appeal is whether sufficient evidence supports the Commission's denial of temporary total disability or temporary partial disability for the periods requested and the Commission's denial of additional medical treatment. The Commission's findings of fact, conclusions of law, and opinion adequately explain the decision. Having determined that the Commission's findings are in fact supported by substantial evidence, we affirm by memorandum opinion. *See In re Memorandum Opinions*, 16 Ark. App. 301, 700 S.W.2d 63 (1985).

Affirmed.

GLOVER and MILLER, JJ., agree.

